

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOHN DOE,	:	CIVIL DIVISION
	:	
Plaintiff,	:	
	:	Civil Action No. 2:17-CV-01574
v.	:	
	:	
CARNEGIE MELLON UNIVERSITY,	:	JURY TRIAL DEMANDED
	:	
Defendants.	:	
	:	

**PLAINTIFF’S MOTION FOR A TEMPORARY RESTRAINING ORDER  
AND PRELIMINARY INJUNCTION PROHIBITING DEFENDANT FROM  
CARRYING OUT A SECOND HEARING AGAINST PLAINTIFF  
ON DECEMBER 6, 2017 AND FROM TAKING DISCIPLINARY ACTION AGAINST  
PLAINTIFF FOR INITIATING THIS LAWSUIT**

Plaintiff John Doe (“John”), by the undersigned, files this Motion For A Temporary Restraining Order And Preliminary Injunction Prohibiting Defendant From Carrying Out A Second Disciplinary Hearing Against Plaintiff On December 6, 2017 And From Proceeding Against Him For Initiating This Lawsuit, stating, as follows:

1. John has brought various claims against Defendant Carnegie Mellon University (“CMU” or “the University”), including those for breach of contract, violations of Title IX, and Due Process violations. John has articulated sufficient allegations to demonstrate a likelihood of success on the merits and that he will suffer irreparable harm if injunctive relief is not granted and CMU is permitted to proceed with a disciplinary hearing against Plaintiff on December 6, 2017 and take disciplinary action against him for initiating this lawsuit.

2. Moreover, granting injunctive relief will not result in any greater harm to CMU. Finally, there is a great public interest in preserving John’s legal and constitutional rights, and

those of students similarly situated. Injunctive relief is often appropriate and granted in cases similar to the instant matter where universities and students are involved in disciplinary matters. Therefore, John has presented all of the necessary elements for the injunctive relief sought here.

3. Prior to the filing of the Motion, the undersigned communicated with counsel for CMU via e-mail, providing a copy of the Verified Complaint filed in this matter and giving the University notice that he would be filing this Motion. A copy of the Motion and brief in support thereof have also been provided to CMU. See Exhibit A (containing the undersigned's affidavit pursuant to Fed.R.Civ.P.65(b)).

4. As summarized above and fully addressed in the accompanying brief, which is incorporated hereto, Plaintiff respectfully moves this court to grant this Motion and to enjoin Carnegie Mellon University from holding its disciplinary hearing against him on December 6, 2017 and taking disciplinary action against him for initiating this lawsuit.

Dated: December 5, 2017

Respectfully submitted,

LEECH TISHMAN FUSCALDO & LAMPL, LLC

By: /s/ Timothy J. Lyon  
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